

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Russell Loughner, et al.,

Case No.: 1:11cv405

Plaintiffs,

v.

Chief Judge Susan J. Dlott  
Magistrate Judge Stephanie K. Bowman

Moulder Techniques, Inc. et al.,

Defendants.

**REPORT AND RECOMMENDATION**

Pursuant to local practice, this matter has been referred to the undersigned for initial consideration and a Report and Recommendation. (Doc. 17). This matter was stayed from June 7, 2012 to June 1, 2013 by agreement of the parties and order of the Court pending execution of the terms of the settlement agreement. (See Doc. 26). A telephone conference was scheduled for June 3, 2013 at 10:00 to inform the Court as to the status of the execution of all terms of the agreement. Neither party called into the conference. Thereafter, by notation order, the undersigned directed the parties to file a notice of dismissal or contact the Court to reschedule the phone conference by June 21, 2013. Counsel for Plaintiff Loughner contacted the undersigned's chambers to inform the Court that Jonathon Beck was no longer representing the Ohio Bureau of Workers Compensation, an intervening plaintiff in the case. In response, on June 18, 2013, the Court ordered counsel to file a written Status Report by July 8, 2013. (Doc. 27).

Counsel for Plaintiff Loughner filed a Status Report indicating that the matter as it relates to Mr. Loughner has been resolved; however, counsel was not able to obtain consent from counsel for the Ohio Bureau of Workers Compensation to file a notice of

dismissal due to a change in representation of the Ohio Bureau of Workers Compensation. (Doc. 28). Counsel for Loughner also filed a notice of voluntary dismissal without prejudice as to Defendant Mick and Jack Machinery Co. (Doc. 29). The Court scheduled a telephone status call for July 24, 2013 and directed Jonathan Beck, as counsel of record for the Ohio Bureau of Workers Compensation, to participate or have counsel substituted prior to the call. No one participated on behalf of the Ohio Bureau of Workers Compensation. To date, no substitution of counsel or notice of withdrawal of counsel has been filed in this matter. Therefore, Jonathon Beck is still counsel of record in this case.

Based upon the representation to the Court that this matter has been resolved (see Docs. 25 and 28) and the Ohio Bureau of Workers Compensation's failure to participate in the notification to this Court of the status of the settlement, **IT IS RECOMMENDED THAT** all remaining claims in this matter be **DISMISSED** with prejudice and that this matter be terminated from the docket of this Court.

/s/ Stephanie K. Bowman  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).